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12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA

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SAFE DRAIN INC., a California corporation,) Case No. C-14-01867 DMR
Plaintiff,) [PROPOSED] ORDER DENYING
vs.) DEFENDANTS' MOTION TO DISMISS
KATE VITO, an individual, SPCC) Date: September 25, 2014
SOLUTIONS, INC., a Nevada corporation, and) Time: 11:00 a.m.
JOHN BARHAUGH, an individual,) Courtroom: 4, 3rd Floor
Defendants.) The Hon. Donna M. Ryu

The Court, having considered the parties' memoranda and documents related to the MOTION TO DISMISS ("Defendants' Motion"), brought by Defendants Kate Vito, SPCC Solutions, Inc., and John Barhaugh ("Defendants") and good cause appearing therefor, including evidence that Plaintiff corporation, previously suspended, is now an "active" corporation as reflected by the California Secretary of State website, of which the Court may properly take judicial notice, the Court hereby DENIES Defendants' motion as moot.

Dated: _____

The Honorable Donna M. Ryu
United States Magistrate Judge